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June 23, 2022

Judge LaShann DeArcy Hall  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Alayev et al v. Kaikov et al; Case no. 22CV1609

Dear Judge Hall:

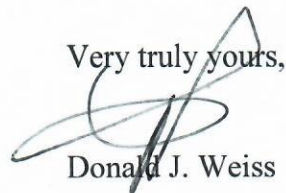
I am the attorney for the plaintiff in the above referenced matter. I am submitting this letter in opposition to the request for a pre-motion conference submitted by Alexander Kadochnikov on behalf of defendant Arkady (Arihay) Kaikov in the above referenced matter. Mr. Kadochinkov is attempting to by-pass the proper procedure in this matter with a premature request and fails to advise this Court of his firm's past representation of the plaintiff in this action.

To begin with, the first step which must take place is vacating the default which has been entered, which requires a motion under FRCP Rule 55(c). Mr. Kadochinkov disingenuously attempts to side step that requirement by seeking to make an "omnibus" Rule 12(b) motion. Until the default has been vacated, Mr. Kadochinkov has no right to make (or request) any other motion.

Moreover, it is inappropriate for Mr. Kadochinkov to even make an appearance on behalf of this defendant in this action as his firm previously represented the plaintiff **relating to the very transaction which is the subject of this litigation** and his attempt to represent Mr. Kaikov in this matter violates New York Rules of Professional Conduct 1.9 and 1.10. Annexed hereto, made a part hereof and incorporated by reference are emails from Mr. Kadochinkov's firm confirming prior representation of the plaintiff corporation relating to the copper powder alleged to have been misappropriated. It is plaintiff's intention to cross move to bar Mr. Kadochinkov from representing Mr. Kaikov in this matter at such time as Mr. Kadochinkov makes the required Rule 55 motion to vacate.

It is therefore respectfully submitted that no pre-motion conference to discuss a Rule 12(b) motion should be scheduled at this time.

Very truly yours,



Donald J. Weiss

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Sent with ProtonMail Secure Email.

----- Original Message -----

Am Montag, 13. Juli 2020 17:58 schrieb Dustin Bowman <[dbowman@sbagk.com](mailto:dbowman@sbagk.com)>:

You can use my office address as the billing address. My clients name is UNPA Group Limited. Please also send updated quotation including mailing of samples to America and bifurcated payment. ✓

Sent from my iPhone

On Jul 13, 2020, at 11:55 AM, "[a.uhlendorff@ise-ev.org](mailto:a.uhlendorff@ise-ev.org)"  
<[a.uhlendorff@ise-ev.org](mailto:a.uhlendorff@ise-ev.org)> wrote:

I need a billing address

Arndt Uhlendorff

Stay up to date and sign our newsletter  
Click here -> ISE Newsletter

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Web: <http://www.ise-ev.org>

Sent with ProtonMail Secure Email.

----- Original Message -----

Am Montag, 13. Juli 2020 17:53 schrieb Dustin Bowman  
<[dbowman@sbagk.com](mailto:dbowman@sbagk.com)>:

Agreed. Please send wire instructions for €5000

Sent from my iPhone

Sent with ProtonMail Secure Email.

----- Original Message -----

Am Freitag, 10. Juli 2020 18:16 schrieb Dustin Bowman <[dbowman@sbagk.com](mailto:dbowman@sbagk.com)>:

Good afternoon,

UNPA

My client has title to certain copper powder in Magdeburg Germany. We are looking to get (ICP-MS, inductively coupled plasma mass spectrometry) and isotopic fraction certification. We have current analysis from IGAS; but are looking for another company to conduct testing to verify IGAS certificate.

We have sought such testing from SGS and Element; but they don't have the capability.

Can you conduct such testing or recommend a company that does? Does your company conduct such testing?

--

**Dustin Bowman, Esq.**

**Partner**

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ANDERSON, GILL &  
KADOCHNIKOV LLP